

**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
September 2008**

<b>Name, Location and Region Number</b>	<b>Program</b>	<b>Alleged Violation</b>	<b>DNR Action</b>	<b>New or Updated Status</b>	<b>Date</b>
BBR, LLC Spirit Lake (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Motion for Leave to Amend Order Granting Leave Amended and Substituted Petition Trial Date	9/19/06 4/18/07 6/12/07 6/18/07 6/18/07 9/16/08
Bulk Petroleum Corporation 28 Sites (1) (6)	Underground Tank	Operation and Maintenance Violations	Referred to Attorney General	Referred Petition Filed Trial Date	6/19/06 2/01/07 10/01/08
Cargill, Inc.; Mort's, Inc. Iowa Falls (2)	Solid Waste Wastewater	Illegal Disposal; Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Cargill Consent Decree (\$100,000/Civil; Injunction)	11/14/06 3/10/08 3/10/08
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Cohrs, Bernard; Cohrs Construction Dickinson Co. (3) <b>UPDATED</b>	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed Motion to Compel Order Granting Motion to Compel Compliance Hearing Date	11/14/06 9/20/07 6/02/08 6/16/08 8/18/08
Creston Bean Processing, LLC Creston (4)	Air Quality	Operational Violations; Monitoring/Reporting	Referred to Attorney General	Referred	9/04/07
Des Moines, City of; Metropolitan WW Reclamation Authority (5)	Wastewater	Compliance Schedule	Referred to Attorney General	Referred	8/15/06
De Vos, Harold and Sharon Rock Rapids (3)	Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal; Operation Without Permit	Order	Referred Petition Filed Motion for Partial Summary Judgment Hearing on Motion Proposed Ruling by State Ruling Granting Partial Summary Judgment Trial on Civil Penalties	9/19/06 1/23/07 6/08/07 7/09/07 8/10/07 9/24/07 2/19/08
Environmental Recycling Co., Inc. Dwight Oglesbee Masena (4) <b>UPDATED</b>	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed Motion to Compel Order Granting Motion to Compel Trial Date	12/05/06 9/20/07 6/05/08 7/28/08 1/14/09
Equitable L.P/The Equitable Condos Des Moines (5)	Air Quality	Asbestos	Referred to Attorney General	Referred	3/11/08

**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
September 2008**

<b>Name, Location and Region Number</b>	<b>Program</b>	<b>Alleged Violation</b>	<b>DNR Action</b>	<b>New or Updated Status</b>	<b>Date</b>
Feinberg Metals Recycling Corp., Ft. Madison (6)	Solid Waste Wastewater	Operation Without Permit; Illegal Disposal; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	3/06/07
Flying J, Inc.; CFJ Plaza Co. II, LLC; and CFJ Properties Clive (5)	Underground Tank Wastewater	Remedial Action; Prohibited Discharge; Pollution Prevention Plan Violations	Referred to Attorney General	Referred	11/07/07
Kay, Todd Buena Vista Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Referred to Attorney General	Referred	5/13/08
Kruse Dairy Farm, Inc. Dyersville (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	12/19/05
Landfill of Des Moines #4 Des Moines (5) <b>UPDATED</b>	Solid Waste	Operation Permit Violations – Other	Referred to Attorney General	Referred Petition Filed Trial Date Application for Default Judgment Order Granting Default Judgment (\$15.5 million civil/injunction) Dismissal without Prejudice as to Steve Correll	4/17/06 1/23/07 8/05/08 7/27/07 11/16/07 7/25/08
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions Motion for Judgment on Default Order Granting Default Judgment (\$100,000/Civil; \$10,000/Admin. & Injunction)	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 12/05/05 9/12/05 12/7/05
Lincolnway Energy, Inc. Nevada (5)	Wastewater	Discharge Limits	Referred to Attorney General	Referred	12/04/07
Matrix Metals d/b/a Keokuk Steel Castings, Co. Keokuk (6)	Air Quality	Particulate	Referred to Attorney General	Referred	9/04/07

**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
September 2008**

<b>Name, Location and Region Number</b>	<b>Program</b>	<b>Alleged Violation</b>	<b>DNR Action</b>	<b>New or Updated Status</b>	<b>Date</b>
Moellers, Kenneth Cresco (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to AG	Referred Petition Filed Trial Date	2/20/06 12/11/06 11/19/08
Oakland Foods, LLC Oakland (4)	Wastewater Air Quality	Permit Violations; Construction Without Permit	Referred to Attorney General	Referred	3/11/08
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline Order Reinstating \$100,000 Civil Penalty Site Clean-up Completed	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04 1/05/05 8/15/06
Pellett Chemical Co., Inc. Wiota (4) <b>UPDATED</b>	Underground Tank	Failure to Submit Tier 2 Site Assessment	Referred to Attorney General	Referred Petition Filed Defendant's Motion to Dismiss Resistance to Motion to Dismiss Hearing on Motion to Dismiss Ruling for State Denying Motion to Dismiss State's Motion for Summary Judgment Motion for Partial Summary Judgment Ruling Granting Partial Summary Judgment Consent Decree (\$10,000/Civil; Injunction)	6/19/06 3/29/07 4/24/07 4/27/07 5/14/07 5/14/07 6/08/07 8/20/07 9/17/07 4/07/08

**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
September 2008**

<b>Name, Location and Region Number</b>	<b>Program</b>	<b>Alleged Violation</b>	<b>DNR Action</b>	<b>New or Updated Status</b>	<b>Date</b>
River Bluff Resort, LLC; C.J. Moyna & Sons, Inc.; P.A. McGuire Construction McGregor (1)	Wastewater	Stormwater – Pollution Prevention Plan Violations; Water Quality Violations – General Criteria	Referred to Attorney General	Referred Tax Sale by County Petition Filed	4/03/07 6/18/07 4/15/08
Roquette America, Inc. Keokuk (6)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	9/19/06
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing Order for Contempt (\$3,000 fine) Arrest Warrant Issued Contempt/Temporary Injunction Hearing Temporary Injunction Granted Contempt Hearing Date Contempt Hearing Order Finding Defendant in Contempt \$3,000 Fine Amended Petition Order Granting Judgment on Default (\$10,000/civil; injunction)	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05 8/05/05 4/01/05 5/03/05 5/03/05 7/06/05 8/05/05 8/05/05 1/31/06 1/04/08
Sharkey, Dennis Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/03/07 9/20/07
Simpson, Barry Worth Co. <b>UPDATED</b>	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Answer Filed Dismissal without Prejudice	10/18/04 11/04/04 8/04/08
Siouxland Energy & Livestock Coop Sioux Center (3)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	9/04/07
Sioux Pharm, Inc. Sioux County (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	3/11/08

**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
September 2008**

<b>Name, Location and Region Number</b>	<b>Program</b>	<b>Alleged Violation</b>	<b>DNR Action</b>	<b>New or Updated Status</b>	<b>Date</b>
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed	12/06/04
				State Motion to Dismiss	1/10/05
				Hearing	3/07/05
				Ruling Dismissing Damage Claims	5/17/05
				State's Motion for Summary Judgment	2/27/06
				Order Granting Continuance	3/20/06
				Hearing on Summary Judgment	5/01/06
				State's Supp. Reply to Plaintiff's Resistance to Motion for Summary Judgment	6/19/06
				Ruling Denying Motion for Summary Judgment	10/04/06
				Application for Interlocutory Appeal	11/03/06
				Memorandum in Support of Interlocutory Appeal	11/03/06
				Application Denied	1/08/07
				Motion for Separate Trial	1/22/07
				Hearing on Motion for Separate Trial	3/05/07
				Order Granting Separate Trial	3/14/07
				Trial Brief	4/06/07
				Reply Brief	4/13/07
				Trial Date	4/16/07
				Ruling for State	9/17/07
				Application for Interlocutory Appeal Supreme Court Order Denying Interlocutory Appeal	10/18/07 1/29/08
Sweitzer, Chad and Lona; Winter Mobile Home Park New Hampton (1)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria; MCL – Bacteria	Referred to Attorney General	Referred	11/14/06
				Petition Filed	5/03/07
				Demand for Default	8/16/07
				Order Granting Judgment on Default (\$5,000/civil; injunction)	10/09/07
Welch Oil, Inc.; Boondocks USA, Inc. Lucas Co. (2)	Wastewater; Drinking Water	Monitoring/Reporting	Referred to Attorney General	Referred	12/04/07
Yentes, Clifford Council Bluffs (4) <b>UPDATED</b>	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	4/03/07
				Petition Filed	9/21/07
				Contempt Application Filed	9/21/07
				Contempt Hearing	11/05/07
				Ruling on Contempt Application (90 days jail suspended/\$500 fine)	11/29/07 2/18/08
				Compliance Hearing	4/27/08
				Compliance Hearing	5/28/08
				Compliance Hearing Date	6/30/08
				Compliance Hearing	8/04/08
				Compliance Hearing Date	9/08/08

**Iowa Department of Natural Resources  
Environmental Services  
Report of WW By-passes**

During the period July 1, 2008 through July 31, 2008, 12 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

<b>Month</b>	<b>Total</b>	<b>Avg. Length (days)</b>	<b>Avg. Volume (MGD)</b>	<b>Sampling Required</b>	<b>Fish Kill</b>
October '07	10(3)	0.147	0.004	2	0(0)
November '07	8(3)	3.697	0.027	3	0(0)
December '07	9(11)	0.365	0.048	2	0(0)
January '08	6(7)	0.725	0.001	0	0(0)
February '08	11(34)	0.280	0.255	2	0(0)
March '08	13(14)	0.464	0.047	4	0(0)
April '08	7(22)	0.736	0.221	3	0(0)
May '08	13(8)	0.389	0.107	3	0(0)
June '08	3(11)	0.281	0.367	2	0(0)
July '08	12(14)	0.132	0.197	4	0(0)
August '07	8(15)	0.108	0.317	3	0(0)
September '07	18(9)	0.203	0.039	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
2	0	1	0	2	7

**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
September, 2008**

<b>DATE RECEIVED</b>	<b>NAME OF CASE</b>	<b>F.O.</b>	<b>ACTION APPEALED</b>	<b>PROGRAM</b>	<b>ASSIGNED TO</b>	<b>STATUS</b>
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	4/09/07 – Internal meeting with DNR management set for 4/12/07. 5/09/07 – Clark calls Vens’ attorney and extends settlement offer. Attorney agrees to inform client and get back to Dept. with response. 5/16/07 – Response from Vens’ attorney indicating qualified agreement with settlement offer pending an inspection by DNR staff.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Book	1/10/07 – FO6 staff visited the site to determine the current status and observed that the AFO portion of the farm operations has been closed. Hearing rescheduled for 11/25/07 12/07-Proposed Decision. Penalty was reduced to \$1500. 3/17/08 - Mr. Witt appeals proposed decision. Appeal hearing at the June EPC. Appeal will be heard at the September EPC meeting.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Hearing set for 12/04/07. 11/27/07 – DNR files motion for default entry. 12/21/07 – Default entry/Proposed Decision. No appeal
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal. 6/26/07 – Appeal resolved. Facility connected to City WWTF. Consent order to be issued.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	<b>10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule. 11/06 – Letter from MHP attorney regarding projects on hold due to revisions in WQ standards rules. 8/07 – Petition and Answer filed with DIA. Hearing continued to January 7, 2008 at request of MHP attorney. . Hearing continued. Project initiation meeting held on 1/9/08 to discuss project. Hearing set for 7/24/08. 7/08- Settled. Compliance schedule agreed to by Clearview and Department.</b>

\* These cases were previously assigned to Mike Murphy.

**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
September, 2008**

<b>DATE RECEIVED</b>	<b>NAME OF CASE</b>	<b>F.O.</b>	<b>ACTION APPEALED</b>	<b>PROGRAM</b>	<b>ASSIGNED TO</b>	<b>STATUS</b>
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	6/6/07 - Dept. letter to Mr. Holland indicating case will be sent to DIA if settlement not reached by 6/22/07. 6/14/07 – Phone call from Mr. Holland. Tentative settlement pending receipt of swine depopulation history.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	2/2/07 – Draft Consent Order sent to attorney for new owner. 6/19/07 – Clark sends email concerning issues at other former Swine USA operations acquired by Whitestone. 6/27/07 – Whitestone attorney responds with general agreement to settlement but needs to confirm with client.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
4/10/06	Praxair, Inc.		Permit Conditions	AQ	Preziosi	Negotiating.
7/07/06	Washington County (Permittee: Riverside Casino)	6	Water Use Permit	WR	Clark	Negotiating before filing.
8/09/06	Cargill (Eddyville)	5	Permit Conditions	AQ	Preziosi	Negotiating.
12/27/06	Piper Motor Co. Inc.	6	Order/Penalty	AQ/WW	Tack	Default entered 3/18/08. Case closed.
1/08/07	Cargill (Eddyville) 02-A-393-S3, 02-A-394-S2, 02-A-395-S2, 02-396-S3, 05-A-930, 05-A-931	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/09/07	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
1/11/07	Clow Valve Company (20 Permits)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6/13/07	Crossroads Cattle Co.; John Reisz	4	Permit Conditions	WW	Clark	Negotiating before filing.

\* These cases were previously assigned to Mike Murphy.



**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
September, 2008**

DATE RECEIVED	NAME OF CASE	F.O.	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6/19/07	Goldsmith and Son, Inc.; John E. Goldsmith; Patti R. Goldsmith; and J & G Pallet, LLC	3	Order/Penalty	WW	Hansen	7/07- Facility returned to compliance. To be set for hearing. Hearing set for 5/2/08. Petition and answer filed with DIA. Hearing continued pending settlement discussions. . Settled. 5/14/08- Consent order sent to company attorney for review. 6/11/08- Consent order signed and returned to DNR to be signed by Director. 6/08- CO signed and issued. The penalty will be paid on a payment plan. First payment received.
6/25/07	Rick Onken		Permit Conditions	WW	Clark	Negotiating before filing.
8/10/07	Tate & Lyle Ingredients Americas	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/10/07	Port Louisa Land Co.; E. A. Hicklin	6	Variance Denial	FP	Clark	Negotiating before filing.
9/25/07	Winneshiek County Conservation Board (Kendallville Park)	1	Permit Revision	WS	Hansen	Negotiating before filing.
11/05/07	Twin Knolls 6 <sup>th</sup> Addition	1	Permit Conditions	WS	Hansen	Negotiating before filing.
11/15/07	Alcoa	6	Permit Conditions; Permit # 97-A-140-S2	AQ	Preziosi	Negotiating.
11/15/07	Alcoa	6	Permit Conditions; Permits #85-A-067P-S2; #87-A-045P-S2; #89-A-177P-S2	AQ	Preziosi	Negotiating.
11/15/07	Gary West		Permit Denial	AFO	Clark	Negotiating before filing.
11/16/07	Justin Cooper		Permit Denial	AFO	Clark	6/11/08 – Settled. Case closed.
1/14/08	Alliant Energy	1	Permit Conditions	AQ	Preziosi	Negotiating.
1/22/08	Des Moines County Regional Solid Waste Commission	6	Permit Condition; #29-SDP-01-76P	SW	Tack	Negotiating before filing.
2/22/08	Cliff's Place	1	Order/Penalty	WS	Hansen	Negotiating before filing.
2/26/08	Bell Air Betterment Corporation	3	Permit Condition	WS	Hansen	Negotiating before filing.
3/10/08	Anthony Herman; Mighty Good Used Cars	5	Order/Penalty	WW	Tack	Negotiating before filing.
4/22/08	Environmental Reclamation and Recycling, LLC	5	Permit Rescission	SW	Tack	Sent to DIA to be set for hearing..
4/25/08	ADM (07-A-1078P, 07-A-1079P and 07-A-1080P)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.

\* These cases were previously assigned to Mike Murphy.

**DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
September, 2008**

<b>DATE RECEIVED</b>	<b>NAME OF CASE</b>	<b>F.O.</b>	<b>ACTION APPEALED</b>	<b>PROGRAM</b>	<b>ASSIGNED TO</b>	<b>STATUS</b>
4/28/08	South Central Iowa Landfill Agency	5	Permit Conditions	SW	Tack	Negotiating before filing.
5/05/08	Environmental Reclamation and Recycling LLC	5	Order	SW	Tack	Negotiating before filing.
5/15/08	Brush & Weed Control Specialists, Inc. and New Farmers Drainage District	4	Order/Penalty	WW	Wornson	<b>Hearing scheduled for 11/07/08.</b>
5/20/08	Page County Sanitary Landfill	4	Permit Conditions	SW	Tack	Negotiating before filing.
6/02/08	Ray Griffin	6	Order/Penalty	AQ/SW/ WW	Tack	Negotiating before filing.
7/02/08	Phoenix C&D Recycling, Inc.; R&A Properties	5	Permit Rescission	SW	Tack	Negotiating before filing.

\* These cases were previously assigned to Mike Murphy.

**DATE:** September, 2008

**TO:** EPC

**FROM:** Ed Tormey

**RE:** Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Name, Location and Field Office Number Date	Program	Alleged Violation	Action	
Maple Grove Farms, LLC Plymouth Co. (5)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$3,500	7/24/08
Michael Sinning Floyd Co. (2)	Animal Feeding Operation	Land Application Separation Distance	Consent Order \$1,500	7/25/08
Richard Solasberry, Sr. Colfax (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$750	7/25/08
Rodney & Melissa Mandernach; Mandernach Pork, Sac Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$4,000	8/05/08
Frontier Ethanol, LLC; POET Biorefining – Gowrie, Gowrie (2)	Air Quality	Monitoring/Reporting	Consent Order \$7,500	8/08/08
Promise City, City of (5)	Wastewater	Prohibited Discharge	Consent Order \$2,800/+Stip.	8/08/08

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
<hr/>				

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
September, 2008

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	ARC #	RULES REVIEW COMMITTEE	HEARING	PERIOD	COMMENT COMMISSION	FINAL SUMMARY TO ADOPTED	RULES PUBLISHED	ARC #	COMMITTEE	RULES REVIEW EFFECTIVE	RULE
1. Ch. 1 – Environmental Protection Commission – Quorum and Voting Requirements	6/10/08	7/02/08	6922B	8/12/08	7/22/08	7/22/08	8/19/08	8/19/08	*9/10/08			*10/06/08	*10/15/08
2. Ch. 20-23, 25, 33 – AQ Program Rules – Updates, Revisions and Additions	5/13/08	6/04/08	6826B	6/10/08	7/07/08	7/08/08	8/19/08	8/19/08	*9/10/08			*10/06/08	*10/15/08
3. Ch. 22 – Controlling Pollution – Title V Fee Cap	9/09/08	*10/08/08		*11/04/08			*11/10/08	*11/10/08	*12/03/08			*12/09/08	*1/07/09
4. Ch. 50 – Water Use and Allocation Permit Fees – Scope of Division – Definitions – Forms – Rules of Practice							8/19/08	8/19/08	*9/10/08			*10/06/08	*8/20/08
5. Ch. 60, 62, 63 and 64 – Wastewater Rules	8/19/08	*9/10/08		*10/06/08	10/7-9/08	10/10/08	*11/10/08	*11/10/08	*12/03/08			*12/09/08	*1/07/09
6. Ch. 61 – Water Quality Standards, Section 401 Certification of Section 404 Regional Permit 7 (RP 7)	7/08/08	7/30/08	7039B	8/12/08	8/19/08	8/19/08	9/09/08	*9/09/08	*10/08/08			*11/04/08	*11/12/08
7. Ch. 101 – Solid Waste Comprehensive Planning Requirements	9/09/08	*10/08/08		*11/04/08	*10/28/08	*10/28/08	*11/10/08	*11/10/08	*12/03/08			*12/09/08	*1/07/09
8. Ch. 107 -- Beverage Container Deposits, New Rule <b>107.16(455C)</b>	7/08/08	7/30/08	7038B	8/12/08	8/19/08	8/19/08	9/09/08	*9/09/08	*10/08/08			*11/04/08	*11/12/08
9. Ch. 113 – Sanitary Landfills for Municipal Solid Waste; Groundwater Protection Systems for the Disposal of Non-Hazardous Wastes	5/13/07	6/04/08	6828B	6/10/07	7/10/08	7/08/08	*10/14/08	*10/14/08	*11/05/08			*12/09/08	*12/10/08
10. Ch. 119 – Waste Oil	9/09/08	*10/08/08		*11/04/08	*10/28/08	*10/28/08	*11/10/08	*11/10/08	*12/03/08			*12/09/08	*1/07/09

\* Projected

# Iowa Department of Natural Resources

## Environmental Services Division

### Report of Manure Releases

During the period July 1, 2008, through July 31, 2008, 1 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	10 (12)	1 (0)	5 (9)	1 (0)	2 (2)	8 (9)	1 (0)	0 (2)	0 (0)	2 (1)
November	10 (10)	0 (0)	5 (2)	0 (3)	5 (5)	9 (8)	0 (1)	1 (1)	0 (0)	2 (1)
December	4 (5)	0 (0)	3 (5)	0 (0)	1 (0)	3 (4)	1 (1)	0 (0)	0 (0)	0 (1)
January	1 (4)	0 (0)	1 (3)	0 (1)	0 (0)	0 (4)	0 (0)	1 (0)	0 (0)	0 (0)
February	3 (4)	0 (0)	2 (2)	0 (0)	1 (2)	2 (3)	1 (1)	0 (0)	0 (0)	0 (1)
March	4 (7)	0 (0)	4 (6)	0 (0)	0 (0)	4 (6)	0 (0)	0 (0)	0 (0)	3 (2)
April	9 (4)	1 (2)	6 (2)	2 (0)	0 (0)	7 (2)	2 (2)	0 (0)	0 (0)	4 (2)
May	7 (5)	0 (0)	2 (2)	1 (2)	4 (0)	4 (3)	1 (1)	2 (0)	0 (0)	3 (0)
June	4 (7)	3 (1)	0 (2)	1 (0)	0 (3)	1 (4)	2 (2)	0 (0)	1 (0)	0 (0)
July	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	53 (58)	5 (3)	29 (33)	5 (6)	13 (12)	38 (43)	9 (8)	4 (3)	1 (0)	15 (8)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	0	0	1	0	0

# Iowa Department of Natural Resources Environmental Services Division Report of Hazardous Conditions

During the period July 1, 2008, through July 31, 2008, 100 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance					Mode			
		Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*
October	63 (52)	5 (5)	38 (34)	20 (12)	19 (14)	27 (29)	3 (0)	1 (3)	3 (2)	10 (4)
November	70 (60)	18 (13)	26 (30)	26 (17)	15 (19)	43 (27)	1 (2)	2 (4)	1 (1)	8 (7)
December	60 (28)	2 (3)	36 (20)	22 (5)	18 (5)	33 (18)	1 (0)	2 (2)	1 (0)	5 (3)
January	46 (37)	3 (4)	35 (21)	8 (12)	16 (11)	25 (19)	3 (3)	1 (1)	0 (0)	1 (3)
February	60 (49)	3 (6)	44 (37)	13 (6)	17 (6)	31 (35)	3 (1)	2 (3)	1 (0)	6 (4)
March	74 (70)	7 (5)	49 (52)	18 (13)	21 (19)	38 (44)	5 (0)	4 (0)	0 (0)	6 (7)
April	85 (76)	23 (23)	46 (32)	16 (21)	26 (24)	49 (41)	1 (1)	4 (0)	2 (2)	3 (8)
May	104 (101)	32 (36)	51 (42)	21 (23)	28 (42)	65 (43)	2 (4)	1 (4)	1 (1)	7 (7)
June	85 (71)	21 (21)	48 (33)	16 (17)	21 (15)	47 (46)	2 (2)	4 (1)	1 (1)	10 (6)
July	100 (65)	16 (8)	57 (39)	27 (18)	26 (16)	55 (35)	3 (1)	5 (2)	1 (0)	10 (11)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>747 (609)</b>	<b>130 (124)</b>	<b>430 (340)</b>	<b>187 (144)</b>	<b>207 (171)</b>	<b>413 (337)</b>	<b>24 (14)</b>	<b>26 (20)</b>	<b>11 (7)</b>	<b>66 (60)</b>

(numbers in parentheses for same period last year)  
\*Other includes dumping, theft, vandalism and unknown

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
13	14	17	9	29	18

**IOWA DEPARTMENT OF NATURAL RESOURCES  
COMPLIANCE AND ENFORCEMENT BUREAU**

**DATE:** September 1, 2008  
**TO:** Environmental Protection Commission  
**FROM:** Ed Tormey  
**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	7,588	3-15-96
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
James Harter (Fairfield)	WW	1,483	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	108	3-08-02
Charlotte Caves (Oskaloosa)	HC	9,487	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	4-23-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
Emer Carlson (Fairfield)	AQ	5,700	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	477	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	300	8-02-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04

\*Payment Schedule

#Animal Feeding Operation

**BOLD Entries Have Been Referred to DRF**



Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Monty Branstad (Winnebago Co.)	AQ/SW	8,000	2-03-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
# Joel McNeil (Kossuth Co.)	AFO	2,500	1 21-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,474	2-03-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
Jeff Albrecht (Humboldt Co.)	AQ	450	5-06-06
CRM Enterprises; Envirobest, Inc. (Iowa City)	AQ	7,000	5-21-06
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000	6-29-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
Larry Bergen (Worth Co.)	AQ/SW	907	11-01-06
Mobile World, LC; R. Victor Hanks (Clinton Co.)	WW	22,500	4-01-07
Edward Branstad; Monroe "Monty" Branstad (Forest City)	AQ	4,500	4-16-07
Colleen Weber (Mitchell Co.)	AQ/SW	1,500	6-01-07
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	7-18-07
# Doug Orwig Site #1 (Dickinson Co.)	AFO	3,500	10-01-07
# Grand Prix Industries, Inc. (Kossuth Co.)	AFO	300	12-01-07
# Jim Christensen (Clay Co.)	AFO	6,000	12-27-07
# Leland Van Kooten; Darin Van Kooten (Leighton)	AFO	5,500	12-30-07
Muscatine County SWM Agency (Muscatine)	SW	4,000	1-03-08
Mark Witt; Witt Auto Salvage (Monroe Co.)	SW/WW	8,000	1-15-08
# JPP Pork, Inc. (Ainsworth)	AFO	3,000	2-09-08
Golden Furrow Fertilizer, Inc. (Agency)	HC	4,000	2-09-08
# Iowa Select Farms, LLP (Clarke Co.)	AFO	2,500	2-20-08
# Joshua Van Der Weide (Lyon Co.)	AFO	3,500	2-25-08
Clinton Community School District	WW	3,000	2-25-08
Mike Barrett; Jody Barrett (Polk Co.)	SW	6,200	3-05-08
# Richard Steen; Jeff Behrens (Montgomery Co.)	AFO	8,000	4-19-08
Dexter Laundry, Inc. (Fairfield)	WW	2,500	5-07-08
William Norton (Cedar Co.)	WW	2,500	5-07-08
# Steve Elsbernd (Ridgeway)	AFO	3,500	5-25-08
# Ted Dickey dba Dickey Farms (Muscatine Co.)	AQ/SW/AFO	4,000	6-01-08
# Doug Osweiler (South English)	AFO	5,000	6-01-08
Joe'd, Karen and Jesse Axmear (Keokuk Co.)	AFO	4,000	6-19-08
# Edward Dale Klyn (Wayne Co.)	AFO	5,000	6-28-08
Karl Molyneux (What Cheer)	AQ/SW	2,500	7-19-08
Newport Junction Corp.; Kum & Go LC (Wapello)	WS	2,500	7-31-08

\*Payment Schedule

#Animal Feeding Operation

**BOLD Entries Have Been Referred to DRF**

MidAmerican Energy Co. (Pottawattamie Co.)	AQ	2,950	8-15-08
Richard Solasberry, Sr. (Colfax)	AQ/SW	750	8-25-08
Chad Hoppe; Steve Hoppe; Shady Acres MHP, (Chickasaw Co.)	WW	4,000	8-27-08
# Maple Grove Farms, LLC (Plymouth Co.)	AFO	3,500	9-05-08
Promise City, City of	WW	2,800	9-08-08
Martin Marietta Materials, Inc. (Des Moines)	AQ	6,500	9-11-08
# Michael Sinning (Floyd Co.)	AFO	1,500	9-25-08
Frontier Ethanol, LLC; POET Biorefining (Gowrie)	AQ	7,500	10-08-08
Rodney Mandernach; Mandernach Pork (Sac Co.)	AFO	4,000	-----
<b>TOTAL</b>		<b>464,815</b>	

**The following penalties have been placed on payment plans:**

* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	1,663	12-15-03
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
#*James Boller (Kalona)	AFO	3,034	8-19-04
* Reginald Parcel (Henry Co.)	AQ/SW	110	4-23-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,408	6-06-05
#*Tony Mertens (Mt. Pleasant)	<b>AFO</b>	<b>2,644</b>	<b>7-20-06</b>
#*Dale Schumann (Buena Vista Co.)	AFO	1,000	8-01-06
*Galen Drent (Boyden)	AFO	1,510	2-01-07
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	100	4-01-07
* Douglas Bloomquist (Webster Co.)	AQ/SW	3,500	12-01-07
#*Charles Wauters (Keystone)	AFO/SW	3,500	12-01-07
#*Eugene Reed (Washington Co.)	AFO	500	12-01-07
* Jack Knudson (Irwin)	UT	10,000	1-15-08
* Fred Knosby (Cumming)	AQ/SW	1,664	3-15-08
* Randy Kennedy; R K Construction & Demolition (Slater)	AQ	1,600	4-15-08
* Craig Burns (Postville)	WW	1,950	4-15-08
* Fred Miller; Earthworks Contracting (Quimby)	AQ	6,720	4-15-08
* Willey, City of	AQ/SW	2,000	6-01-08
* Chelsea, City of	WW	200	6-15-08
#*Atsma Dairy Farms; Richard Atsma (Sioux Co.)	AFP	1,456	8-15-08
#*Doug Hymbaugh (Ringgold Co.)	AQ/SW	600	8-08-08
#*James Hogan; Hogan Brothers (Jones Co.)	AFO	1,040	8-01-08
#*Donald Burken, Sr.; Donald Burken, Jr.; L&M Hogs (Clinton)	AFO/WW	3,000	9-01-08
#*Neal Rupiper (Carroll)	AQ/SW		
	AFO	1,500	9-10-08
* Curt and Kelly Tracy; Condev, Inc. (Union Co.)	AFO	7,613	9-11-08
#*Brian Hofmeyer (Sioux Co.)	AFO	4,734	9-15-08
* Hidden Valley MHP; Larry Fishback (Washington)	WW	1,500	8-15-08
* Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	4,400	9-15-08
#*John Kauffman (Iowa City)	AFO	832	8-20-08
* John Danker (Lee Co.)	AQ/SW	971	8-22-08
#*Loren and Rhonda Van Zante (Eddyville)	AFO	2,250	8-30-08
#*Loren and Rhonda Van Zante (Eddyville)	AFO	2,700	8-30-08
#*Chris Hunt; Steven Hunt; Hunt Bros. Feedlot (O'Brien Co.)	AFO	2,495	9-01-08
#*Meyer Bros.; Steve Meyer (Ida Co.)	AFO	3,750	10-01-08
#*Joe Tomka (Carroll Co.)	AFO	1,750	12-01-08
#*Edward Pechous (Johnson Co.)	AFO	2,750	8-15-08
<b>TOTAL</b>		<b>87,944</b>	

\*Payment Schedule

#Animal Feeding Operation

**BOLD Entries Have Been Referred to DRF**

**The following administrative penalties have been appealed:**

NAME/LOCATION	PROGRAM	AMOUNT
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Dan Witt (Clinton Co.)	AFO	3,000
Dallas County Care Facility (Adel)	WW	5,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
LeMars, City of	WW	9,000
Bedrock Gravel, In. (Buena Vista Co.)	AQ/SW	10,000
Cliff's Place (Waverly)	WS	5,800
Anthony Herman; Mighty Good Used Cars (Polk Co.)	WW	7,500
Brush & Weed Control; New Farmers Drainage (Monona Co.)	WW	10,000
Ray Griffin; SEMCO (Keokuk Co.)	SW/WW/AQ	10,000
<b>TOTAL</b>		<b>71,550</b>

**The following administrative penalties have been collected:**

NAME/LOCATION	PROGRAM	AMOUNT
* Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	200
Oxford, City of	WS	7,500
D & D Construction Services (Council Bluffs)	AQ/SW	3,100
Frank Sollazzo (Council Bluffs)	SW	3,500
#*Atsma Dairy Farms; Richard Atsma (Sioux Co.)	AFP	208
#*Donald Burken, Sr.; Donald Burken, Jr.; L&M Hogs (Clinton)	AFO/WW	500
Select View, LLC; Michael and Angela Tomka (Carroll)	AQ/SW	1,000
#*Doug Hymbaugh (Ringgold Co.)	AQ/SW	200
* Curt and Kelly Tracy; Condev, Inc. (Union Co.)	AFO	190
#*Carpenter Bar & Grill (Carpenter)	WS	500
* Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	200
#*Neal Rupiper (Carroll)	AFO	188
#*Brian Hofmeyer (Sioux Co.)	AFO	670
Long Branch Maintenance Corp. (Stipulated Penalty)	WS	2,000
#*Schomers Cattle, LLC (Shelby Co.)	AFO	5,000
<b>TOTAL</b>		<b>24,956</b>

**The following penalty payments were collected by the Department of Revenue during the Month of July.**

Larry Bergan Jr.	AQ	150
Jeff Albrecht	AQ	25
<b>TOTAL</b>		<b>175</b>

**Total Penalties Collected 25,131**

\*Payment Schedule

#Animal Feeding Operation

**BOLD Entries Have Been Referred to DRF**